

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                |   |                              |
|--------------------------------|---|------------------------------|
| <b>PETE SOLOTRUK,</b>          | : |                              |
|                                | : |                              |
|                                | : |                              |
| <b>Plaintiff,</b>              | : | <b>NO. 21-CV-382</b>         |
|                                | : |                              |
|                                | : |                              |
| <b>v.</b>                      | : | <b>JUDGE ROBRENO</b>         |
|                                | : |                              |
|                                | : |                              |
| <b>ROAD SCHOLAR TRANSPORT,</b> | : | <b>MAGISTRATE JUDGE RICE</b> |
|                                | : |                              |
|                                | : |                              |
| <b>Defendant.</b>              | : | <b>ELECTRONICALLY FILED</b>  |

**MOTION OF DEFENDANT ROAD SCHOLAR TRANSPORT, INC.  
TO STRIKE AND ALTERNATIVELY TO DISMISS  
SECOND AMENDED COMPLAINT**

For the reasons set forth in the accompanying memorandum of law,  
Defendant Road Scholar Transport, Inc., by and through its undersigned counsel,  
hereby moves to strike, and alternatively, to dismiss Plaintiffs' Second Amended  
Complaint.

Respectfully submitted,

/s/ John B. Dempsey  
John B. Dempsey (PA ID 88017)  
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Myers, Brier & Kelly, LLP  
425 Spruce Street, Suite 200  
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Attorney for Defendant  
Road Scholar Transport, Inc.

Date: June 28, 2021

**CERTIFICATE OF NONCONCURRENCE**

I, John B. Dempsey, hereby certify that I sought the concurrence of counsel for Plaintiff, Mark R. Natale, Esquire, in this motion. Mr. Natale does not concur in this motion.

/s/ John B. Dempsey  
John B. Dempsey

Dated: June 28, 2021

**CERTIFICATE OF SERVICE**

I, John B. Dempsey, hereby certify that a true and correct copy of the foregoing Motion to Strike and to Dismiss was served upon the following counsel of record via the Court's ECF system on this 28th day of June 2021:

Mark R. Natale, Esquire  
Malamut & Associates  
457 Haddenfield Road, Suite 500  
Cherry Hill, NJ 08002

/s/ John B. Dempsey  
John B. Dempsey